

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM RAGER,

Plaintiff,

Case No. 2:18-cv-00571-WJ-KRS

v.

PECOS VALLEY PIZZA, INC., and
BRIAN BAILEY,

Defendants.

**ORDER VACATING INITIAL SCHEDULING ORDER AND
CONFERENCE AND FINDING GOOD CAUSE TO DELAY
ENTRY OF SCHEDULING ORDER**

THIS MATTER comes before the Court *sua sponte*. Since the Court entered its initial scheduling order on August 2, 2018, Defendants have filed an opposed motion to compel arbitration and dismiss the lawsuit. In light of the dispositive nature of relief requested, the Court determines that judicial economy favors vacating the initial scheduling order and conference, and that good cause exists to delay entry of scheduling order until such time as the pending motion is resolved. *See* Fed. R. Civ. P. 16 (explaining that “[t]he judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared”).

IT IS, THEREFORE, ORDERED that the initial scheduling order and scheduling conference set for September 12, 2018 at 10:00 a.m. are **VACATED**.

IT IS FURTHER ORDERED that good cause exists for delaying the entry of the scheduling order in this case and the Court will issue a new initial scheduling order and set a scheduling conference once the Presiding Judge resolves the motion to dismiss.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. To the right of the signature is a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE